



Orange County District Attorney

Press Release

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Homicide Unit Has Reviewed Three Newborn Death Cases Despite New Law Allowing Relinquishment

SANTA ANA – A law that became effective on Jan. 1 allows parents to relinquish their unharmed newborn children at a hospital without any threat of prosecution. However, the DA's homicide unit continues to receive cases in which the child's death may have been prevented had it received proper medical care.

"I think this is a really good law, but more people need to know about it," said District Attorney Tony Rackauckas. "Anybody out there who is thinking about not providing needed care for their newborn child just because they don't want a baby should realize that an alternative exists. Deliver the newborn safely to a local hospital. If you don't, you could be facing homicide prosecution."

The new law is Penal Code Section 271.5, which is being run on a test basis until Jan. 1, 2006. It allows any parent or person having lawful custody the option of leaving a baby 72 hours or younger with any employee on duty at a public or private hospital emergency room.

The following cases have recently come through the homicide unit of the DA's Office:

- A baby found at a Yorba Linda home on March 24. The case was reviewed for possible filing against the adult mother. Charges were not filed because of insufficient evidence.
- A 15-year-old girl was convicted of involuntary manslaughter in March for the 1999 death of her baby.
- Elodia Chamorro, 40, has been charged with murder for the May 12 death of her baby. The baby was placed in a trash bag and ultimately thrown in a dumpster.

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